

BEFORE THE

Federal Communications Commission

WASHINGTON, D.C. 20554

In the Matter of:

Application of
ALEE CELLULAR COMMUNICATIONS

For Authorization to Construct
Nonwireline Cellular System in
Texas RSA 21 Market 672A

WT Docket No. 02-28

File No. 11025-CL-P-672-A-89

TO: Administrative Law Judge Steinberg

CONSOLIDATED OPPOSITION
TO
MOTIONS TO COMPEL ANSWER TO INTERROGATORIES
BY
MILLER COMMUNICATIONS, INC. AND RANGER CELLULAR

Miller Communications, Inc. and Ranger Cellular (the “Intervenors”) hereby file a consolidated opposition to the “Motion to Compel Ranger Cellular To Answer Interrogatories” and the “Motion to Compel Miller Communications, Inc. To Answer Interrogatories” submitted by Alee Cellular Communications (Alee).

Quite simply, as Alee has conceded, “the information [sought] is not directly relevant to the issues specified against Alee.”¹ The information which Alee seeks involves the organization, ownership and holdings of the Intervenors. Alee’s distracting fishing expedition will do nothing to assist in this hearing which was ordered to determine if, “based upon previously adjudicated lack of candor on the part of Alee in [another proceeding], whether Alee is qualified to be a

¹ Motion To Compel Ranger at p. 2.

Commission licensee” and whether an Alee application should be granted.²

Alee claims that the information it seeks will assist it in “evaluating any position taken by [Ranger]” and “provide evidence of bias.”³ Alee need look no further than the Order entered from this bench which takes care to provide complete information regarding the identity and positions of the Interveners.⁴ It is clear what the position of the Interveners is and, moreover, it would be impossible to divine these interests and bias, should it exist, from answers to the interrogatories submitted by Alee.⁵ Furthermore, whether Interveners are “biased” against Alee is patently beyond the scope of permissible discovery.

Alee also claims that compelling the Interveners to respond to the interrogatories will, “help Alee identify possible witnesses.”⁶ This claim is baseless. It is inconceivable that answers supplied by the Interveners would help to determine what witnesses could rehabilitate, further impugn or maintain the *status quo* of the reputation that Alee has earned

Accordingly, having conceded that the information is “not directly relevant to the issues”

² *In the Matter of Application of Alee Cellular Communications*, Memorandum Opinion and Order and Notice of Opportunity for Hearing, FCC 02-36, para. 12 (rel. Feb. 22, 2002).

³ Motion to Compel Ranger Cellular at page 2.

⁴ *In the Matter of Application of Alee Cellular Communications*, Memorandum Opinion and Order, 02M-26, (Steinberg, J., rel. April 12, 2002).

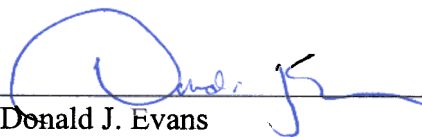
⁵ Alee also makes that statement that the information which it seeks “is for the most part matters of public record.” Motion to Compel Ranger at page 2. If this is so, Alee is welcome simply to review public record to obtain the information. This is in stark contrast to the burden which would be placed upon the Interveners to check and verify records, prepare answers, review answers, execute declarations regarding the answers, transmit declarations to Washington counsel and submit the same.

⁶ Motion to Compel Miller at page 2.

and having made no compelling argument that the information should be provided, the Interveners object to Alee's two Motions to Compel and respectfully submit that the frivolous Motions should be denied.

Respectfully submitted,
FLETCHER, HEALD & HILDRETH, P.L.C.

July 10, 2002



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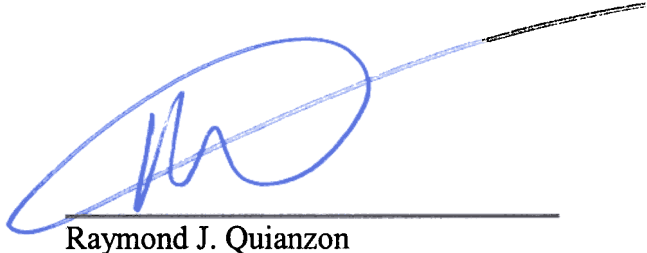
CERTIFICATE OF SERVICE

I, Raymond J. Quianzon, an attorney with the law office of Fletcher, Heald & Hildreth, P.L.C., do hereby certify that on the 10th day of July, 2002, a true and correct copy of the above and foregoing CONSOLIDATED OPPOSITION TO MOTIONS TO COMPEL ANSWER TO INTERROGATORIES BY MILLER COMMUNICATIONS, INC. AND RANGER CELLULAR was sent to the following individuals via postage pre-paid first class United States Mail and also in the manner indicated below:

The Honorable Arthur I. Steinberg *
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